

To: GAVELL FILE [Justine/Kevin/Amy]

From: ATTY. GAL/AMC

Date: 12/4/09

Re BASIC FACTS

I have the initial pleadings and have heard briefly from each of the parent's lawyers and have been informed of the following:

Mona (mom) and Howard (dad) Gavell were married on April 15, 1990 and have three children: Justine, age 13; Kevin, age 6; and Amy, age 18 months. Both parents are 42 years of age and in good physical health.

The parties are currently residing together during the pendency of the action, but this may not be working out well.

Education/Employment-

Mom is a college graduate and dad went to tech school. Dad is an HVAC technician and has been self-employed for the past 2 years. Mom maintains the books, runs the office and has set up a website for the business, which is run from the family home. Mom had been employed until Justine was born and has been a stay at home mom ever since aside from working as of late with dad in the new business. Dad is also a volunteer firefighter.

Religion-

Mom is a devout Catholic and an organic earth mother. Dad was born a Catholic but has not stayed very active in the Church. The parties did agree to raise their children in the Catholic faith before Justine was born.

Extended Family-

Mom's parents own the house mom and the family live in and they also own another house and live nearby. Dad's parents are divorced and do not live nearby. (Texas, I think.) Dad and his father are close as his father raised him after the divorce (he was 13 or even younger when they separated). His mother is apparently an alcoholic.

Family dynamic-

(According to dad's lawyer)

Mom suffers from an anxiety disorder, possibly depression. She suffered from post-partum depression after each birth. Dad maintains that mom is not doing well at all right now. She may be on medication daily to control her depression and possible suicidal tendencies. Mom has no interest in sex, which may have been one cause for the breakdown of the marriage.

Mom does provide much of the care for the children when she is feeling well. Dad has always been a good provider and picks up the slack when mom is feeling depressed. Currently dad is Kevin's soccer/golf coach. Mom does not have a good relationship with Justine.

(According to mom's lawyer)

Confirmed that mom suffers from an anxiety disorder, takes medication, did suffer from post-partum depression after the birth of each child, and was worse in the past. He assures me, however, that mom's disorder is under control and she takes the medication merely as a precaution. Mom's medication caused her to lose interest in sex. Dad had an affair with a girl half his age who is still his girlfriend, and Dad is involving the new girlfriend in the caretaking. Mom has always cared for the children and is involved with their teachers/school activities, etc.

(According to both lawyers)

Justine has been sex-ting (sending sexually explicit messages concerning herself via text messages). Both parents feel she is acting out because of the divorce.

Kevin has possible learning disabilities.

Amy is apparently developing just fine for her age.

To: GAVELL FILE [Justine/Kevin/Amy]

From: ATTY. GAL/AMC

Date: Recent

Re: INTERVIEW WITH MONA GAVELL

Mom indicates that she does not have a "problem" with depression anymore because she sees a therapist and is on medication. She is upset with dad making accusations that she cannot handle the kids and/or cannot adequately care for them. She knows she had a problem in the past due to post-partum depression, which is very common and she should not be penalized for it. She is resentful that dad did not support her during that time but instead had an affair and not with just anyone---a very young girl that is young enough to be his daughter (mom very upset at age difference).

Mom is resentful that dad is taking all the credit lately for parenting and because he now wants physical custody of the children. "Who does he think he is? Father of the year?" Mom is glad that dad is now finally active in their lives, (He used to be at work all the time) but that does not mean he is a better parent than mom.

How can he handle the kids full time when he cannot even deal with one issue with Justine who is doing things she's never done before---such as sex-ting. Mom wonders what, if anything, he says to her about it. He gave her the cell phone and seems to have failed to prepare her to be safe. It seems he does not realize how serious this is. When mom tries to talk to Justine, it seems Justine just keeps moving farther and farther away emotionally from mom, and preferring dad, who does not discipline her.

In addition, mom wants to know why dad talked to Justine about mom's depression/attempt at suicide (which was so many years ago according to mom)? That is a grown up issue that he had no business discussing with her---now she hates mom, and calls her "crazy."

Mom thinks dad's 22 year-old girlfriend may also have something to do with Justine's alienation from mom. After all, Olive is young and energetic and mom is older and obviously not "cool." She does not want the children around Olive much, or for Olive to stay over at Dad's when the kids are there. She is a bad influence, especially on Justine's sexual precociousness. How can mom teach "her children" to be moral if Dad is having sexual relations out of wedlock? [Note: Mom consistently referred to the children as "her children" and not "their children".

Mom wants physical residency of the children and that dad could have them once during the week for dinner and alternating weekends---she suggests the traditional visitation as dad works a lot and will obviously be preoccupied with the girlfriend anyway. She said in several

occasions that "That is all he deserves, anyway. He is a sinner." Mom also said that she wants dad to agree that he will take the kids to mass even during his weekends.

Amy is a toddler and needs her mother and Kevin is still so young. Sure, he's a boy and boys like to be with their dads, but they need their mother. Also, Dad has no idea what the teachers want to do for Kevin and his learning disabilities.

Mom insists that since she lives close to her parents, that they can help if needed. She wants Howard to leave the home. The home is owned by her parents and it is time for him to move out, since he has clearly moved on.

To: Gavell file
From: Atty GAL/AMC
Re: First interview with dad, Howard Gavell
Date: xx/x/xx

I met with Mr. Gavell for the first time. He described the family structure, and the three kids. Note: he lights up when he gushes about Kevin, not sure how much he know about Amy – is rather superficial in his description of her.

Dad expresses much concern about Mom. He says she used to be a great mother but her depression has been increasing after each child. He said she tried to kill herself 5 years ago. He describes her now as staying in the house, not dressing, staying in her room, and having little to do with the children. He acknowledges she is in therapy but says it isn't doing much good. In fact, he said that Justine is embarrassed by mom and cannot have friends over. Dad claims Mom leaves pills around and the kids are at risk.

Work:

Dad used to work all sorts of long hours, but now the HVAC company is doing well, and he can work less. He averages 8 hrs a day, no weekends, holidays.

Dad is convinced that his girlfriend, Olive Wentworth, who used to be the babysitter, is a good influence on the children, that they love her and feel very comfortable. Also, that she can help him care for the children, and/or can help him supervise visits with Mom.

Concerns and need to follow up: Dad talks with Justine about mom's mental illness, esp. on the morning rides to school. Apparently they have discussed the suicide.

Sex-ting: Dad does not seem to realize the seriousness and danger of Justine's sexting. He gave her the cell phone, and was defensive. Absolutely have to follow-up.

Dad did tell me that his mother left him and his father when he was 8. He admitted that he missed her terribly. He says that he wants to make sure that his children do not lose their mother. He is convinced, however, that supervised visits will be enough. He does acknowledge that the change will have to be gradual, but at the same time, he is unrealistic in his view that they can all live together for a while – Olive too.

To: Gavell File

Re: Interview with mom's therapist, and others

Date: Recent

From: Atty GAL/AMC

I spoke briefly with Dr. Horowitz, therapist for Mona. He says she is on antidepressants and that she is doing well; but for the stress of the affair and divorce, she would be doing even better. He says her parenting is appropriate although he has never seen the kids with her except in the waiting room. He is quite negative about dad; he has not seen dad. He appears to really be advocating for mom – not sure about his neutrality. Consider that we may need an independent eval of mom.

Also spoke with the schools where Kevin and Justine go – their grades are adequate, and no serious behavior issues noted. Kevin is being considered for an evaluation for learning disabilities. The school has met regularly with mom in the past, but at the last appointment, only dad arrived. Dad did not know much about what mom had been discussing before.

Pediatrician: kids are current with their shots, and appointments. Mostly mom, but at the last appointment, it was dad and his girlfriend. The doctor had to explain to the father that the girlfriend could not come in to the appointment. The doctor reported that Dad said that it was OK because she is (was?) the babysitter. The doctor noted that he kept the young woman in the waiting room. Dad, however, was knowledgeable about the children's medical needs and progress.

MEETINGS WITH CHILDREN:

Have observed Mom with both Kevin and Amy at the home, with no other adults present. Mom was dressed and groomed, and although she seemed a bit tired, she spent an hour doing appropriate tasks and some drawing/playing with the children. They both seemed comfortable with her and bonded with her. Kevin told her how happy he was that she was up, out of bed and doing things with them.

Also observed Dad alone with Kevin and Amy at the home, with no other adults present. Dad and Kevin chatted about sports the whole time; Dad was primarily focused on Kevin. He did make sure Amy was safe and playing with her toys, and she was always in his view, but did not play with her. He did take a break to change her diaper. She giggled and laughed as he tickled her and hugged her. When he was done, however, he put her down in the corner with her toys, and resumed interacting with Kevin. The kids were fully comfortable with him and bonded.

Interviewed Justine alone. See video. She said she would not be "observed" with either parent, like "an animal in a cage in a zoo."

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